

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

CHOUBERT FRANCOIS,	:	
Petitioner,	:	
	:	Civil Action No. 3:04 CV 616 (CFD)
v.	:	
	:	
IMMIGRATION AND NATURALIZATION	:	
SERVICE,	:	
Respondent.	:	

RULING ON PETITION FOR WRIT OF HABEAS CORPUS

Pending is the petitioner Francois’s Petition for Writ of Habeas Corpus [Doc. #1]. Francois is under a final order of removal and brought this Petition to challenge his post-final order detention by the Bureau of Immigration and Customs Enforcement (“ICE”) under the Department of Homeland Security.¹ Francois does not challenge the final order of removal in his Petition.

In Zadvydas v. Davis, 533 U.S. 678 (2001), the United States Supreme Court held that once a final order of removal is entered, ICE is permitted to hold an alien in confinement up to six months in order to effectuate the alien’s removal from the United States. Once that period has passed and removal is not reasonably foreseeable, “the alien’s release may and should be conditioned on any of the various forms of supervised release that are appropriate in the circumstances.” Id. at 700 (citing 8 U.S.C. §§ 1231(a)(3), 1253; 8 C.F.R. § 241.5). 8 C.F.R. § 241.5(b) states that “[a]n officer authorized to issue an order of supervision may require the posting of a bond in an amount determined

¹On March 1, 2003, the Immigration and Naturalization Service was abolished and its functions were transferred to the Department of Homeland Security.

by the officer to be sufficient to ensure compliance with the conditions of the order, including surrender for removal.”

On August 5, 2004, the ICE issued a decision to release Francois under an Order of Supervision upon the posting of a \$5,000 bond. Accordingly, Francois’s Petition for Writ of Habeas Corpus [Doc. #1] is DISMISSED AS MOOT. The Clerk is directed to close the case.

SO ORDERED this _____ day of August 2004, at Hartford, Connecticut.

CHRISTOPHER F. DRONEY
UNITED STATES DISTRICT JUDGE